IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 17099 of 2007(I)

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PETITIONER:

NASSAR CHERIYIL, FIFAS,
PANAYAPILLY, KOCHI-2.

BY ADV. SRI.V.V.ASOKAN
SMT.S.AMINA

RESPONDENTS:

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1. STATE BANK OF TRAVANCORE,
M.G.ROAD, ERNAKULAM,
REPRESENTED BY ITS BRANCH MANAGER.

2. RECOVERY OFFICER,
DEBT RECOVERY TRIBUNAL, ERNAKULAM.

3. SHELLY V.JOHN, P.B.NO.1214,
DUBAI, U.A.E.

BY ADV. SRI.R.S.KALKURA
SRI.SATHISH NINAN, SC FOR SBT
SRI.SANTHOSH MATHEW
GOVERNMENT PLEADER, SRI.P.K.RAVIKRISHNAN FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 17099 of 2007(I)

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

\\TRUE COPY//

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C) No. 17099 of 2007-I

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Dated this the 11th day of December, 2007

J U D G M E N T

The petitioner bid an item of property in an auction conducted by the Recovery Officer of the Debt Recovery Tribunal, on the basis of a recovery certificate. The sale was on 29/05/2007. Under the rules applicable to such sale, the entire balance has to be paid in a time frame which has been fixed by the Statute. Rights of parties, including that of the debtor, would depend upon application of those rules. On the face of those statutory provisions which are mandatory, this Court had been benevolent to issue an order on 21/06/07 staying the cancellation as well as confirmation of the sale in favour of the petitioner for two months, permitting the petitioner to deposit the balance amount with the bank in the meanwhile, subject to further orders.

The admitted situation is that, even after nearly six months of that order, as on today, no further amounts have been deposited. The writ petition is not entitled to succeed, the same is only to be dismissed. In the result, the writ petition is dismissed.

THOTTATHIL B. RADHAKRISHNAN,
Judge

ms